

United States Bankruptcy Court  
Eastern District of Michigan

IN RE: John and Michelle Unger

CHAPTER: 13  
CASE NO: 11-40671  
JUDGE: Rhodes

\_\_\_\_\_  
Debtor(s) /

Debtor's Chapter 13 Confirmation Hearing Statement  
[To be completed fully]

At the next confirmation hearing in this case, the debtor intends to: [Check ONE of the following]

1. \_\_\_\_ Request confirmation of the debtor's plan, because all timely objections of creditors and the trustee have been resolved. I have emailed to the trustee a proposed order confirming the plan, as required in paragraph 2 of the Chapter 13 Case Management Order.
2. X Request confirmation of the debtor's plan, even though all timely objections have not been resolved. I have emailed to the trustee a proposed order confirming the plan, as required in paragraph 2 of the Chapter 13 Case Management Order. The parties are at an impasse in attempting to resolve these objections despite all reasonable efforts. The following are: (a) the parties whose timely objections have not been resolved; (b) their unresolved objections; and (c) the legal and factual issues that must be resolved by the Court in connection with confirmation:

Trustee Objections:

1. We have submitted the 2010 Federal Tax Return with W-2's to the central email address.
2. Debtors have not received the refund of \$264 but will remit it when received.
3. The means test and plan have been amended. The DMI now shows \$44,840.40 on the means test and the plan is offering at least that amount.
4. We have submitted a statement on the whole life insurance policy and its cash surr value and have amended Schedule B and C accordingly.
5. We have submitted a statement showing the balance on his 401k, but also please see #6 for biggest change.
6. To clarify, John did increase his 401k to 10% as stated at the 341 hearing a few months prior to filing. However, he was not able to contribute prior to that time, so there are no paystubs to provide. Having discussed the Trustee's objections and Means Test issues, debtor has voluntarily agreed to reduce his 401k contribution to only 3%. We have amended Schedule I to reflect the 3% contribution and in light of the increase to unsecured creditors of almost \$50k, we request this objection be resolved.
7. We have submitted recent paystubs.
8. We have submitted proof of auto insurance and the home warranty.
9. We have amended Schedule J to deal with some of these line item objections and again, with the increase in dividend (\$50k) per the amended plan, we hope these objections are resolved.
10. The payment to Americredit will end after this case expires so no step increase is available. However, we have amended the plan to offer the step increase when the direct payments to MI Catholic Credit Union are paid off.

cont'd

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11. The means test has been amended.

12. Again, the means test has been amended and the dividend met, so no affidavit of special circumstances is required.

Issues:

Creditor # 1:

Objections:

Issues:

Creditor # 2:

Objections:

Issues:

3. \_\_\_ Request an adjournment of the confirmation hearing to \_\_\_\_\_, due to the following good cause:

4. \_\_\_ Dismiss the case. [The Court will construe this as a motion by the debtor to dismiss the case under Fed.R.Bankr.P. 1017(f)(2), and the Court will enter an order of dismissal and the case will be removed from the docket, unless the case was previously converted from Chapter 7, 11, or 12 to Chapter 13. In that event, a separate motion to dismiss must be filed within 10 days.]

5. \_\_\_ Convert the case to chapter 7. [The debtor must promptly file a separate notice of conversion under Fed.R.Bankr.P. 1017(f)(3), and pay the filing fee for such notice. Such notice of conversion will cause the case to be converted without the entry of an order of conversion.]

Dated: May 4, 2011

/s/ Shirley L. Horn  
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